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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,808	03/03/2000	Yoji Kawamoto	7217/31035	5769
	7590	10/28/2005	EXAMINER	
Jay H Maioli Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/518,808		KAWAMOTO ET AL.	
	Examiner		Art Unit	
	George C. Neurauter, Jr.		2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1, 3, and 10 are currently presented and have been examined.

Response to Arguments

Applicant's arguments filed 15 August 2005 have been fully considered but they are not persuasive.

The Applicant argues that Kawano fails to show or suggest a means for updating and identifying a latest type of terminal device being used by a user. Kawano discloses:

"Preferably, the structure of the table 1051 may be dynamically changed. That is, the information item to be registered in the table about the service requester information 1051B and the client terminal information 1051C do not take a fixed structure...By managing the customizing information for each above-indicated service requester in the client ID table 1051, it is possible to grasp a favor of the end user and a using history of the service for the purpose of selecting the service for meeting the request of each end user. The service mediate server makes it possible for the end user himself or herself to retrieve the service for meeting his or her favor and for the system itself to automatically hold and manage the using history of the service, thereby reducing the burden of the end user." (column 7, lines 32-65)

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"FIG. 8 is a procedure to be executed in the case of adding one client to the service mediate server. The request for registration from a new client is received in the communications managing unit (801). Based on the received information, the client ID is allocated to the new client and the information of the client is registered in the client table (802)." (column 11, lines 12-19)

In view of the disclosures of Kawano as shown above and shown in the previous Office Action, Kawano discloses that the client sends user specific information or "service requester information" and information identifying a type of terminal device or "client terminal information" to the server in order to be registered in a table or "client ID table" when used by a user. Therefore, each time a user uses a particular terminal device, both informations are stored in the table at each instance of the use of the terminal device by the user, thereby giving a "using history" of a service as disclosed in Kawano. Therefore, the information identifying a type of terminal device is "updated" every time the information is presented to the server since the information identifying a type of terminal device and the associated user specific information may change at each registration, thereby showing the latest terminal device being used by the user. Therefore, Kawano does disclose updating

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and identifying a latest type of terminal device being used by a user.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 697 836 B1 to Kawano et al.

Regarding claim 1, Kawano discloses a network system connecting a plurality of different types of user terminal devices (referred to throughout the reference as "clients") and a network server ("service mediate server") via a known communication system, wherein each of said plurality of different types of user terminal devices comprises:

means for retrieving information from a removable memory ("IC card"; column 10, lines 33-38; column 10, lines 33-38) storing user specific information ("service requester information") (column 10, lines 23-42), and

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means for transmitting said user specific information and information identifying a type of terminal device said plurality of different types of user terminal devices used by a user ("client terminal information") as specific information ("service request message") when said removable memory is loaded, wherein said information identifying said type of terminal device includes terminal type attributes and media type attributes corresponding to said type of terminal device ("condition information" and "service interface"; column 5, lines 38-45; column 9, lines 35-47; see also Figure 3, element 1051c); (column 10, lines 23-42; column 11, lines 27-38) and

said network server comprises:

means for receiving said specific information transmitted by said type of terminal device used by said user, (column 11, lines 27-38)

means for registering said user specific information and said information identifying said type of terminal device included in said specific information, (column 7, lines 21-31; column 8, lines 24-45; column 11, lines 33-38)

means for updating said information identifying said type of terminal device corresponding to said user specific information, (column 7, lines 32-65; column 11, lines 12-19)

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means for identifying a latest type of terminal device, based on said updated information by said means for updating, being used by said user and for authenticating said user by referring to said registered information, (column 7, lines 32-65; column 11, lines 12-19 and 39-53)

means for converting ("changing") message information addressed to said authenticated user to a data format compatible with said type of terminal device based on said terminal type attributes and said media type attributes of said terminal device being used by said user (column 2, lines 8-24; column 9, lines 25-47; column 11, line 54-column 12, line 14), and

means for transmitting said converted message information to said type of terminal device being used by said user.

(Abstract, specifically "The information received by [a server] is processed by the service mediate agent and the processed information is transmitted to [a client]."; column 9, lines 25-47, specifically lines 65-66)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawano et al.

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Regarding claim 3, Kawano discloses the network system according to claim 1.

Kawano does not expressly disclose wherein said means for registering erases said registered information when said memory means is extracted from said terminal device, however, Kawano does disclose the use of an memory means as a portable medium as shown above. Kawano also discloses wherein the memory means contains user specific information that uniquely identifies a user and contains information exclusive to the user (column 7, lines 21-31; column 8, lines 33-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to erase the registered information when the memory means is extracted from the terminal device as disclosed in Kawano. Kawano discloses the memory means as a portable medium, which means that the user uses the memory means as a means to use his or her exclusive information to obtains service from a server for a temporary period of time. One of ordinary skill would recognize this fact and would have considered it obvious that the memory means would eventually be removed when the user no longer required the services of the server. It would logically follow that the registered user's information would no longer be valid at the terminal at which the user used the memory means to obtain service from the server

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and the user's information would be considered invalid and, at some point in time, erased by an express deletion or by being overwritten by new values.

Therefore, it would have been obvious to achieve the limitations as claimed.

Claim 10 is also rejected since claim 10 recites a network system that contains substantially the same limitations as recited in claims 1 and 3 in combination.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

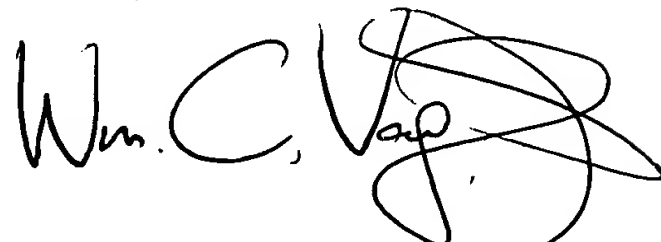
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

A handwritten signature in black ink, appearing to read "Wm. C. Vaughn, Jr.", with a large, stylized flourish at the end.

WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER